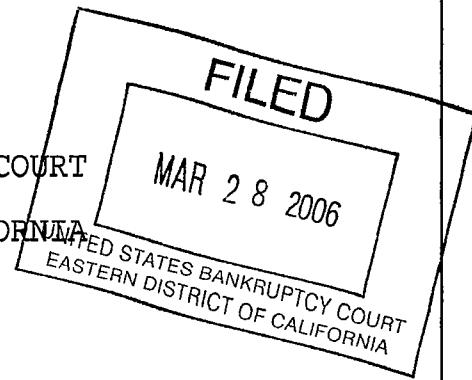


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3 UNITED STATES BANKRUPTCY COURT
4 EASTERN DISTRICT OF CALIFORNIA
5 SACRAMENTO DIVISION

8 In re) Case No. 05-40085-A-7
9 Jacqueline L. Gholar,) Docket Control No. None
10) Date: Ex Parte
11 Debtor.) Time: Ex Parte
12)

13 MEMORANDUM

14 The debtor, Jacqueline L. Gholar, filed her chapter 7
15 petition on October 16, 2005. Her petition was accompanied by an
16 application pursuant to Fed. R. Bankr. P. 1006(b) to pay the \$209
17 filing fee in installments. That application was granted. The
18 first filing fee installment was due on November 21, 2005. It
19 was not paid.

20 The failure to pay the installment prompted the issuance of
21 an order to show cause which the court heard on December 19,
22 2005. The debtor appeared at the that hearing. She asked that
23 she be given until January 9, 2006 to pay the entire filing fee.
24 The court agreed to do as requested by the debtor and on December
25 20, 2005, it issued an order requiring that the filing fee be
26 paid in full on January 9, 2006.

27 The filing fee was not paid by January 9. Instead, on that
28 date the debtor filed an application requesting an extension to

1 January 16. The court issued an order on January 12 granting
2 this further extension. The filing fee was not paid on January
3 16.

4 Still, the court did not immediately dismiss the petition.
5 It gave the debtor through February 7, 2006 to pay the filing
6 fee. On February 8, when the fee still had not been paid, the
7 court dismissed the petition.

8 Now before the court is yet another application from the
9 debtor asking that the dismissal be vacated and that the filing
10 fee be waived pursuant to 28 U.S.C. § 1930(f).

11 Assuming the court were to vacate the dismissal, the court
12 would be unable to grant a waiver the chapter 7 filing fee.
13 While such waivers are authorized by 28 U.S.C. § 1930(f), section
14 1930(f) is only effective in cases filed on and after October 17,
15 2005. See P.L. 109-8, § 1501(a). The debtor's petition was
16 filed on October 16, 2005.

17 Because there is no possibility of a fee waiver, because the
18 court has already given the debtor every possible chance to pay
19 the filing fee, the motion to vacate the dismissal will be
20 denied.

21 Dated: *28 March 2006*

22 By the Court

23 
24

25 Michael S. McManus, Chief Judge
26 United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
CERTIFICATE OF MAILING

The undersigned deputy clerk in the office of the United States Bankruptcy Court for the Eastern District of California hereby certifies that a copy of the document to which this certificate is attached was mailed today to the following entities listed at the address shown on the attached list or shown below.

Jacqueline L. Gholar
8359 Elk Grove florin Rd #103
Sacramento, CA 95829

Richard J. Hanf
PO Box 6499
Napa, CA 94581

Office of the U.S. Trustee
501 I Street, Room 7-500
Sacramento, CA 95814

Dated: 3-29-06

Kelly Vellie
Deputy Clerk

Deputy Clerk